S.B.CIVIL MISC. APPLICATION NO.48/2005

M/s. Chandi & Company
vs.
State of Rajasthan.

DATE OF ORDER ::: 7.12.2005

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. Mahendra Trivedi, for the applicant.

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Heard learned counsel for the applicant.

This application has been filed by the applicant who was respondent in S.B. Civil Misc. Appeal No.597/1997 with a prayer that in pursuance of this Court's direction in the stay petition, the non-applicant State deposited the award amount in the High Court by way of demand draft in the name of Registrar General of this Court who was directed to invest the money in fixed deposit initially for 29 months in S.B.I., High Court Branch, Jodhpur.

According to learned counsel for the applicant, the appeal has been decided by this Court and the period of F.D.R. Has also expired, therefore, the amount, which was deposited by the State, may be paid to the applicant.

I have considered the prayer of the learned counsel for the applicant/respondent.

The amount was deposited by the non-applicant State when this Court passed order on the State's stay petition. The appeal was allowed by this Court and the matter has been remanded to the court below for deciding the arbitration proceedings.

According to learned counsel for the applicant himself, the award has not been made Rule of the Court.

In view of the above fact only, the applicant has no right to claim the amount which was deposited by the State. However, it is found by this Court that the State is entitled for refund of the amount for which learned counsel for the applicant also admits that in case, the amount cannot be given to the appellant, then it can be refunded to the State.

In view of the above facts, it is ordered that the amount deposited by the State in pursuance of the interim order dated 15.12.2001 passed in S.B. Civil Misc. Stay Petition No.355/1997 in S.B. Civil Misc. Appeal No.597/1997 may be refunded to the State.

Accordingly, this application is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya